IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15090 of 2004

Between:

Mrs.Farida M.Siganporia, w/o Minoo Siganporia,
R/o Flat No.15, Laxmi Nilayam, Rasoolpura,
Secunderabad.

..... PETITIONER

AND

1 The Secunderabad Cantonment Board, represented by its Executive Officer, Secunderabad.
2 Military Estate Officer, Secunderabad Cantonment Board, Secunderabad.
3 GOC & C, Southern Command, Pune.
4 Innovation Builders, represented by Mrs.M.T.Khambati, w/o Sri T.N.Khambati, R/o 6-2-20, New Bhoiguda, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order especially in the nature of writ of mandamus declaring that flat No.101B in first floor constructed by the 4th respondent in 211, Mudfort, Secunderabad Cantonment, Secunderabad is proper and legal having regard to the statutory provisions of Section 181 of the Cantonment Act, 1924 and consequently restrain respondent No.1 from interfering with possession and occupation of the petitioner in respect of the same.

Counsel for the Petitioner: MR.S.Ravi

Counsel for the Respondent No.1: Mr. Y.V. Ravi Prasad

Counsel for the Respondent Nos.2&3: MR.A.Rajashekar Reddy (SC FOR CG)

Counsel for the Respondent No.4:

The Court made the following ORDER:

Petitioner, who admittedly purchased a flat from the fourth respondent-Builders, was served with a notice in

May 2000 informing that his vendor-Mrs.Khambati filed W.P.No.3759 of 1982 against the notice of demolition issued by the first respondent. The writ petition was dismissed and W.A.No.45 of 1998 filed against the said order was also dismissed on 06.08.1999 holding that the fourth respondent did not have any tittle as purchaser and as a pattedar of the land, which is B-3 land. In view of the same, the petitioner was called upon to vacate the premises and hand over the same to the authorities. Before undertaking demolition of the above said building, the petitioner kept quite all these days and filed the present writ petition contending that in **Union of India vs. Vasavi Co-operative Housing Society Limited,** a Division Bench of this Court examined the provisions of A.P.(Telangana Area) Land Revenue Act, 1317 Fasli, Hyderabad Record of Rights and Regulations Act,1358 Fasli in conjunction with provisions of Cantonment Act, 1924 and held that the entries made in the General Land Register cannot have any effect of superseding the entries made in the above Acts recognising the pattedar as the title holder of the land under A.P. (Telangana Area) Land Revenue Act, 1317 Fasli. In view of the same, the judgment of the Division Bench in Writ Appeal No.45 of 1998 has to be re-considered and the impugned notice is liable to be set aside.

The learned counsel for the petitioner contends that in view of the subsequent pronouncement of the judgment of this Court referred to above, earlier order passed by the Division Bench that the petitioner's vendor has no right to claim over the property is not good law and has to be re-considered.

I see no force in the submission made by the learned counsel for the petitioner, since the order passed against petitioner's vendor has become final. When the petitioner received a notice in May 2000, he will not have a better right than that of his vendor to question the notice at this belated stage, since such action initiated by the Cantonment has been upheld by this Court in writ petition and writ appeal, as referred to above. In view of the same, I see no grounds to entertain the writ petition.

The writ petition is accordingly dismissed. No costs.

A.Gopal Reddy, J

Date: 25.08.2004

Va

To

1 The Executive Officer, Secunderabad Cantonment Board, Secunderabad.
2 Military Estate Officer, Secunderabad Cantonment Board, Secunderabad.
3 GOC & C, Southern Command, Pune.
4 Two CD Copies